

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2023 Legislative Session

Bill No. CB-036-2023
 Chapter No. 40
 Proposed and Presented by The Chair (by request – County Executive)
 Introduced by Council Member Hawkins
 Co-Sponsors _____
 Date of Introduction May 2, 2023

BILL

1 AN ACT concerning

2 The Building Code

3 For the purpose of extending the permit application time from six (6) months to twelve (12)
 4 months and to establish a fee for the review and issuance of an After-Hours Permit.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 4. BUILDING.

7 Section 4-111

8 The Prince George's County Code

9 (2019 Edition; 2022 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 11 Maryland, that Section 4-111 of the Prince George's County Code be and the same is hereby
 12 repealed and reenacted with the following amendments:

13 **SUBTITLE 4. BUILDING.**

14 **DIVISION 1. BUILDING CODE.**

15 **SUBDIVISION 2. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE.**

16 **Sec. 4-111. - Administration; Section 105, Permits.**

17 (a) Section 105.2, Work Exempt from Permit. Notwithstanding the foregoing, except for
 18 property located within Chesapeake Bay Critical Area Overlay Zones, permits shall not be
 19 required for the following, provided that the construction does not result in any violation of this
 20 Subtitle: a one-story detached accessory structure (tool, storage shed, playhouse and similar uses)
 21 on one- and two-family dwelling properties with less than one hundred fifty (150) square feet of

1 floor space not designed or intended for occupation or habitation and limited to one (1) accessory
2 structure only per property; all forms of paving less than five hundred (500) square feet except
3 for parking surfaces; a retaining wall not greater than two (2) feet in height unless supporting a
4 structure; fence not greater than four (4) feet in height; and satellite dishes not greater than two
5 (2) feet in diameter and height. Permits shall not be required for commercial properties,
6 installation of siding, roofing, or storm door/window installations, provided that no construction
7 is involved.

8 (b) Section 105.2.2.1, Historic Area Work Permit Requirement. Notwithstanding the
9 provisions of Section 105.2.2, a Historic Area Work Permit must be issued by the Historic
10 Preservation Commission prior to any work on the exterior features of a property that contains a
11 historic site or unclassified historic resource identified on the master plan for historic
12 preservation or that is located within a local historic district. At the time the Historic Area Work
13 Permit is issued, the Historic Preservation Commission shall notify the Director, or the Director's
14 designee by transmitting a copy of the Historic Area Work Permit to the Director. The Director,
15 or the Director's designee shall maintain and enroll the Historic Area Work Permit into the
16 registry of issued permits maintained by the Director. The Director shall not require the issuance
17 of a County building permit for ordinary repairs as defined in Section 105.2.2, or for ordinary
18 maintenance as defined in Section 29-107(d), in addition to any Historic Area Work Permit that
19 is determined by the Historic Preservation Commission to be required.

20 (c) Section 105.2.2.2, Inventory of Historic Sites, Properties within Local Historic
21 Districts, and Unclassified Historic Resources. The Director, or the Director's designee shall
22 maintain an electronic inventory of historic sites, properties within local historic districts, and
23 unclassified historic resources in Prince George's County. The Historic Preservation Commission
24 shall transmit the listing of historic sites, properties within local historic districts, and
25 unclassified historic resources to the Director or the Director's designee on or about January 1
26 and July 1 of each year. The listing shall be utilized to notify the Director or his Designee and
27 applicants for County building permits issued by the Director or his Designee that the Historic
28 Area Work Permit requirement described in Sec. 105.2.2.1 applies to any property that contains a
29 historic site or unclassified historic resource or is located within a local historic district. The
30 Director and/or his Designee shall not issue any permits for a property that contains a historic
31 site or unclassified historic resource or is located within a local historic district, unless the

1 Historic Preservation Commission has first issued a Historic Area Work Permit as required under
2 Sec. 105.2.2.1.

3 (d) Section 105.2.3, Repairs. Application or notice to the Director or the Director's
4 designee is not required for ordinary repairs to structures, replacement of lamps or the
5 connection of approved portable electrical equipment to approved permanently installed
6 receptacles. Ordinary repairs shall include the replacement in kind of the following: siding,
7 roofing, gutters, leaders and downspouts, private sidewalks, driveways, patios, awnings and
8 canopies, equipment, cabinets, slabs, handrails, window screens, storm doors, not more than 80
9 square feet (7.4 sq. meters) of gypsum board excluding installation of fire rated gypsum wall
10 board or shaft liner, and recirculation range hoods.

11 (e) Section 105.2.3.1, Repairs to Residential Structures. Use Group R-1, Use Group R-2,
12 Use Group R-3, and Use Group R-4 which, because of lack of maintenance or structural damage
13 due to a fire, explosion, or natural causes, undergo repairs or renovations which, in the opinion of
14 the Director or the Director's designee, exceed fifty percent (50%) of the building shall have an
15 approved automatic fire sprinkler system installed throughout the building as part of the scope of
16 repairs to be completed. Computation of the cost of repairs for purposes of this Section shall
17 exclude carpeting replacement, electrical panel capacity upgrades, painting, wallpapering, re-
18 grading and landscaping, lighting fixture replacements, appliance replacements, bathroom
19 cabinetry and fixture replacements, and modifications necessary to comply with the Americans
20 with Disabilities Act ("ADA") requirements. Each street address shall be considered a separate
21 dwelling for application of this Section. All repairs for which a building permit is required that
22 are conducted within a 365-day period shall be deemed a single cumulative repair cost for
23 purposes of the application of this Section.

24 (f) Section 105.3.1.1, Required Documents for Permits Application. The application shall
25 include: (1) any and all documents showing the business partners of the owner or lessee involved
26 in the operation and or ownership of the building structure or use for which the permit is being
27 sought; (2) any and all organizational documentation of the entity that owns, uses or leases the
28 building or structure; (3) any and all documents showing who will operate the business; and (4)
29 any other data and information supported by documentation that is required by the Director or
30 the Director's designee deemed necessary for furtherance of the intent of this Code.

31 (g) Section 105.3.1.2, Review of Application. The application will be reviewed to ensure

1 that it conforms with all the requirements of the pertinent laws, including but not limited to the
2 requirements of this Code, State and local laws and ordinances. An application for a permit will
3 be reviewed by the Director or the Director's designee, in consultation with the Police
4 Department and the Fire/EMS Department. The Director or the Director's designee shall have the
5 authority to deny any application under the provisions of this Division and shall also have the
6 authority to deny an application upon a violation of this Division.

7 (h) Section 105.3.1.3, Application Exemption. The Director or the Director's designee may
8 refuse to accept an application for a permit from any applicant: (1) who is or was in default on a
9 previously issued permit, or who is the permittee listed on an expired permit which is not
10 currently in the process of being extended by County administrative action, or who has not fully
11 complied with the application process; (2) for any other reason the Director or the Director's
12 designee deems necessary in furtherance of the intent of this Code; or (3) for any reason that is
13 necessary to maintain the health, safety and welfare of the public.

14 (i) Section 105.3.1.4, By Whom an Application is Made. Application for a permit shall be
15 made by the owner or lessee of the building or structure, or the agent of either, or by the licensed
16 engineer or architect employed in connection with the proposed work. If the application is made
17 by a person other than the owner in fee, the applicant shall attest on the permit application or by
18 separate written statement, that the proposed work is authorized by the owner in fee and that the
19 applicant is authorized to make such application. The full names and addresses of the owner,
20 lessee, applicant, and the responsible officer if the owner or lessee is a corporate body, shall be
21 stated on the application. Subsequent permits will be issued in the name of the owner of record at
22 time of permit issuance.

23 (j) Section 105.3.2, Time Limitation of an Application. An application for a permit for any
24 proposed work shall be deemed to have been abandoned twelve (12) months [six (6) months]
25 after the date of filing, unless such application has been diligently pursued in good faith or a
26 permit has been issued. Extensions of time may be authorized by the Director or the Director's
27 designee. The Director or the Director's designee may request any documentation or certification
28 deemed necessary and assess an extension fee as appropriate.

29 (k) Section 105.5, Expiration. Every permit issued shall become invalid unless the work on
30 the site authorized by such permit is commenced within one hundred eighty (180) days after the
31 issuance, or if the work authorized on the site by such permit is suspended or abandoned for a

1 period of one hundred eighty (180) days after the time the work is commenced. The Director or
2 the Director's designee is authorized to grant, in writing, one or more extensions of time, for
3 periods not more than one hundred eighty (180) days each. The extension shall be requested in
4 writing and justifiable cause shall be demonstrated. Any permit issued for property within the
5 area of a pending Sectional Map Amendment (as provided for in the County Zoning Ordinance)
6 that is rezoned to a less intense zone, shall expire on its own terms upon approval of the
7 Sectional Map Amendment by the District Council if a completed building foundation for a use
8 not permitted in the less intense zone has not been completed. The Director or the Director's
9 designee shall notify the permit holder of the expiration of the permit.

10 (l) Section 105.5.1, Expiration of Permit and Correction of Code Violations. Any permit
11 issued for residential property to correct a building code or housing code violation issued
12 pursuant to Subtitle 4 or Subtitle 13 of the County Code shall be issued only for a period of time
13 reasonably necessary to correct the violation, not to exceed ninety (90) days. The initial period of
14 the permit shall be established by the Director or the Director's designee based upon the extent of
15 the work required to correct the violation. The permit may be extended or renewed for an
16 additional period of one hundred eighty (180) days if, in the opinion of the Director or the
17 Director's designee, the applicant has demonstrated substantial progress to complete the work in
18 accordance with the permit and has demonstrated substantial justification for failure to complete
19 the work within the period of the permit. The Board of Administrative Appeals shall have no
20 authority to grant an extension to the period of the permit.

21 (m) Section 105.9, Building Location. No permit for building shall be issued for a structure
22 that overlaps the County line. Location of the County line on the site plan shall be certified by a
23 Professional Land Surveyor.

24 (n) Section 105.10, Date and Hours of Operation Limits. All permits shall be issued with
25 date and hours of operation limits listed as determined by the Director or the Director's designee.
26 All permits shall be issued indicating that no work shall be performed during the hours of 9:00
27 p.m. to 7:00 a.m., unless work is performed pursuant to Section 4-120 of this Subtitle.

28 (o) Section 105.1.3, After Hours Permit. Any request to work pursuant to a permit beyond
29 permitted construction hours shall be made by application to the Code Official and shall be
30 subject to noise regulations of Prince George's County Code and in accordance with the fee
31 schedule established in Sec. 2-253.63. No after-hours permit shall be issued for work in an area

1 zoned "residential" under the Zoning Regulations then in effect, or in an area within 500 feet
2 (152 400 mm) of such residential zone, or within 500 feet (152 400 mm) of a building with
3 sleeping quarters, unless the Code Official determines that not issuing such permit would pose a
4 threat to public safety, health and welfare.

5 * * * * *

6 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
7 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
8 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
9 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
10 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
11 Act, since the same would have been enacted without the incorporation in this Act of any such
12 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
13 or section.

14 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
15 calendar days after it becomes law.

Adopted this 30th day of May, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

* * * * *